

Law Offices of Avrum J. Rosen, PLLC
Proposed Attorneys for Debra Kramer, Chapter 7 Trustee
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 7

MICHAEL O MCCOMISKEY
and FLORENCE C MCCOMISKEY
aka FLORENCE MCDONALD,

Case No.: 20-43450-ess

Debtors.
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**APPLICATION FOR RETENTION OF THE
LAW OFFICES OF AVRUM J. ROSEN, PLLC AS ATTORNEYS
FOR THE CHAPTER 7 TRUSTEE EFFECTIVE AS OF FEBRUARY 24, 2021**

**TO: THE HONORABLE ELIZABETH S. STONG,
UNITED STATES BANKRUPTCY JUDGE:**

Debra Kramer, the Chapter 7 Trustee (the “Trustee”) of the estate of Michael O McComiskey (the “Debtor”) and Florence C McComiskey *aka* Florence McDonald (collectively, the “Debtors”), respectfully submits this application seeking entry of an Order retaining the firm of the Law Offices of Avrum J. Rosen, PLLC (the “Firm”), as attorneys for the Trustee under Sections 105 and 327, Title 11, United States Code (the “Bankruptcy Code”), Rule 2014 of the Federal Rules of Bankruptcy Procedure, and the E.D.N.Y. Local Bankruptcy Rules, and respectfully states as follows:

1. On September 25, 2020, the Debtors commenced a voluntary petition for relief under Chapter 7 of the Bankruptcy Code.
2. Debra Kramer was appointed interim Chapter 7 Trustee of the Debtors’ estate and, by operation of law, became the permanent Chapter 7 Trustee of the Debtors’ estate.

3. Based upon the Trustee's review of certain documents maintained by the New York City Department of Finance, which are publicly available on its Automated City Register Information System, it appears that there are possible assets to be recovered for the benefit of unsecured creditors.

4. By deed dated April 24, 2017, the Debtor and Nora K. Kaiser ("Kaiser") acquired title to the real property commonly known as 396 Bergen Street, Brooklyn, New York 11217, identified under Block 932, Lot 23, in the Borough of Brooklyn (the "Real Property") from Michael H. McComiskey and Julia A. McEvoy, Trustees, or their successor in trust, under the 396 Bergen Trust, dated July 21, 2015. The deed that transferred the Real Property to the Debtor and Kaiser was recorded on May 9, 2017 with the Office of the City Register of the City of New York.

5. By deed dated April 27, 2017 – just three (3) days after the Real Property was transferred to the Debtor and Kaiser – the Debtor and Kaiser transferred their interest in the Real Property to Michael H. McComiskey and Julia A. McEvoy (the "Transfer"). It appears from the Real Property Transfer Report that the Transfer was for no consideration. The deed evidencing the Transfer was recorded on May 9, 2017 with the Office of the City Register of the City of New York.

6. The Trustee believes that the Transfer may be a fraudulent conveyance under the Bankruptcy Code and the New York Debtor and Creditor Law and requires the assistance of counsel in investigating the circumstances of the Transfer and, if necessary, reducing the Real Property to cash for the benefit of creditors.

7. The Trustee selected the Firm to be her counsel as the attorneys in the Firm are familiar with bankruptcy law and are well-qualified to act in the capacity as attorneys for the Trustee.

8. It is necessary for the Trustee to employ attorneys to render professional services, which may include, but are not limited to the following:

- a) Assist the Trustee in the investigation of the Debtors' estate, including any potential assets and the disposition thereof;
- b) Conduct examinations of the Debtors and other witnesses in connection with the Trustee's examination of the Debtors' financial affairs;
- c) Advise the Trustee in connection with her statutory duties and prepare applications and motions as may be appropriate;
- d) Prepare applications for which attorneys' services will be necessary including the potential sale of the Real Property, and, if appropriate, commence any adversary proceedings under the Bankruptcy Code in the event that it is necessary to recover the Real Property; and
- e) Conduct an investigation to discover all possible assets and reduce the same to cash.

9. To the best of the Trustee's knowledge, and based upon the annexed Affidavit of Avrum J. Rosen, the attorneys in the Firm have no connection with the Debtors, any other party in interest, or their respective attorneys.

10. To the best of the Trustee's knowledge, the Firm represents no interest adverse to the Trustee or to the Debtors' estate in the matter in which it is to be engaged herein, and the employment of the Firm would be in the best interests of the estate.

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11. The Trustee seeks the Firm's retention to be effective as February 24, 2021, when a detailed review of the Debtors' case commenced.

WHEREFORE, the Trustee respectfully requests for the entry of an Order, substantially in the form of the proposed Order annexed hereto, authorizing the retention of the Firm for the Trustee, for which no previous application has previously been made.

Dated: March 8, 2021
East Hampton, New York

Respectfully submitted,

/s/ Debra Kramer, Trustee
Debra Kramer, Chapter 7 Trustee
of the Estate of Michael O McComiskey
and Florence C McComiskey *aka*
Florence McDonald
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